EXHIBIT 19

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 2                   UNITED STATES DISTRICT COURT
            FOR THE EASTERN DISTRICT OF NEW YORK
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        KEITH FISCHER, MICHAEL
 4      O'SULLIVAN, JOHN MOESER,
        LOUIS PIA, THOMAS BARDEN,
 5      CONSTANCE MANGAN, and CHARISE
        JONES, individually and on
 6      Behalf of all others similarly
        Situated,
 7
                    Plaintiffs,
 8
                 vs.              No. 23 Civ. 02848
 9                                   (GRB) (ARL)

10      GOVERNMENT EMPLOYEES INSURANCE
        COMPANY d/b/a GEICO,
11
                    Defendant.
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15         VIDEOTAPED DEPOSITION OF CATHERINE O'NEIL

16                   New York, New York

17               Thursday, April 24, 2025

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23      Reported by:
        Yaffa Kaplan
24      JOB NO. 12744863

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2   April 24, 2025

3   9:40 a.m.

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5   Videotaped Deposition of CATHERINE

6   O'NEIL, held at the offices of Duane

7   Morris, 1540 Broadway, New York, New York,

8   pursuant to Notice, before Yaffa Kaplan, a

9   Notary Public of the State of New York.

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2    A P P E A R A N C E S:
3
4        OUTTEN & GOLDEN LLP
5        Attorneys for Plaintiffs
6            685 Third Avenue, 25th Floor
7            New York, New York 10017
8        BY:   MICHAEL SCIMONE, ESQ.
9              ZARKA DSOUZA, ESQ.
10
11       DUANE MORRIS LLP
12       Attorneys for Defendant
13           190 South LaSalle Street, Suite 3700
14           Chicago, Illinois 60603
15       BY:   GREGORY TSONIS, ESQ.
16             JUSTIN DONOHO, ESQ.,
17                         (Via videoconference)
18
19   ALSO PRESENT:
20       RICHARD MORALES - Videographer
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2   IT IS HEREBY STIPULATED AND AGREED,

3 by and between counsel for the respective

4 parties hereto, that the filing, sealing and

5 certification of the within deposition shall

6 be and the same are hereby waived;

7   IT IS FURTHER STIPULATED AND AGREED

8 that all objections, except as to the form

9 of the question, shall be reserved to the

10 time of the trial;

11   IT IS FURTHER STIPULATED AND AGREED

12 that the within deposition may be signed

13 before any Notary Public with the same force

14 and effect as if signed and sworn to before

15 the Court.

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1   C. O'Neil

2   THE VIDEOGRAPHER: Good morning, we are

3   now on the record. The time is 9:40 a.m.,

4   Eastern time on April 24, 2025.

5   This begins Media Number 1 to the

6   videotaped deposition of Catherine O'Neil,

7   taken in the matter of Keith Fischer versus

8   Government Employees Insurance Company.

9   My name is Richard Morales, I am your

10   videographer today; the court reporter is

11   Yaffa Kaplan. We are representing Esquire

12   Deposition Solutions.

13   Counsel will you please introduce

14   yourselves and affiliations, and the witness

15   will be sworn.

16   MR. SCIMONE: Michael Scimone with

17   Outten & Golden, representing the plaintiff.

18   MS. DSOUZA: Zarka Dsouza with Outten &

19   Golden, also representing the plaintiffs.

20   MR. TSONIS: Gregory Tsonis on behalf of

21   Government Employees Insurance Company,

22   defendant.

23   MR. DONOHO: Hi, this is Justin Donoho,

24   also on behalf of GEICO.

25   C A T H E R I N E   O ' N E I L , called as a

1   C. O'Neil

2   witness, having been duly sworn by a Notary Public,

3   was examined and testified as follows:

4   EXAMINATION BY

5   MR. TSONIS:

6   Q.   What is your name and address?

7   A.   Catherine O'Neil, 27 Ware Street,

8   Cambridge, Massachusetts 02138.

9   THE VIDEOGRAPHER: You may proceed.

10   Q.   Good morning, Ms. O'Neil.

11   A.   Good morning.

12   Q.   My name is Greg Tsonis. I am an

13   attorney for the defendant in this lawsuit,

14   Government Employees Insurance Company. I will be

15   taking your deposition today. Okay?

16   A.   Yes.

17   Q.   Just -- there will be, I am sure, a

18   number of acronyms today. But do you know if I say

19   GEICO, I am referring to the defendant in this

20   lawsuit?

21   A.   Yes, I do.

22   Q.   And you understand that in this lawsuit

23   a group of plaintiffs are suing GEICO for

24   violations of both Federal Law, the Fair Labor

25   Standards Act, and New York State law?

1   C. O'Neil

2   will say, let's say -- let's say I estimate that

3   each case takes about seven hours, but it actually

4   only takes you six hours because you are so

5   efficient, and you get 22 cases done instead of 20.

6   Then I would estimate that time as 22 times

7   seven hours, instead of 22 times six hours. So you

8   get more overtime.

9   So you get rewarded for being more

10   efficient; relative to someone who did it in seven

11   hours per case, and therefore had only 20 cases

12   done.

13   Q.   Sure. So -- if I am also less

14   efficient. So explain to me how, in your model,

15   the slacker; right? That's not as efficient,

16   doesn't get attributed; right?

17   Someone that's less than average but is

18   assigned the average number of hours, isn't it true

19   that it would overstate the hours worked for that

20   person?

21   A.   No. No, because -- well, tell me

22   exactly what you mean by slacker and I will tell

23   you what's going to happen for them.

24   Q.   So let's say -- using the simplest

25   method you have, your average says investigators

1   C. O'Neil

2   close ten cases per month. Right? And so --

3   A.   Correct.

4   Q.   -- and to close that ten cases, we

5   assign a value of, you know, four hours per case?

6   A.   Okay.

7   Q.   If I close 20 cases, but I can actually

8   do them faster, it doesn't take me four hours, your

9   model is assigning me 80 hours of work in a week

10 where I didn't work 80 hours if I did them faster.

11 Right?

12   A.   That's right.

13   Q.   If it takes me only two hours?

14   A.   That's one of the reasons we don't just

15 do the dumbest one. We say, what kind of cases did

16 you do.

17   Q.   Right. We are not talking about other

18 regressions at the moment.

19   A.   But -- yes.

20   Q.   In this basic one --

21   A.   Yes.

22   Q.   -- if I am more efficient because I

23 close more cases, but I did it, in actuality as an

24 individual, in less time or half the time than the

25 average person would do; right?

1   C. O'Neil

2   In your model, I am assigned more hours

3   work than what I, in actuality, did. Right?

4   A.   That's right.

5   MR. SCIMONE: Just remember slow the

6   pace down a little bit for the -- for the

7   court reporter. Sorry.

8   Q.   Conversely, if it took me more time, if

9   instead of four hours a case, it was actually

10   taking me six but I am only getting assigned four

11   now under your model. So I am under -- I have --

12   the hours assigned to me in your model are -- under

13   represent what I actually worked. Right?

14   A.   Yes.

15   Q.   So just to be clear: In your model,

16   it's your testimony that if you are, I guess, the

17   prototypical, the composite-average investigator,

18   that the model would accurately model the time that

19   you spent.

20   Is that your contention?

21   A.   Yes.

22   Q.   If I am an investigator though --

23   A.   I apologize for interrupting, but can I

24   just revise what I just said?

25   If you are the average worker, like, and

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1   C. O'Neil

2 it's the average week; right? Even the average

3 worker would have variations one week to the next,

4 or one month to the next, because just -- cases all

5 close in the same month or something. There is

6 going to be some natural variation.

7   Q.   Sure. But there might not be a natural

8 variation. For example, if I am -- if I am really

9 efficient because I am good at what I do, or I have

10 been doing it for a long time, I am going to be

11 consistently better than average. Right? I am

12 going to be consistently, month over month, more

13 efficient.

14   A.   That is possible.

15   Q.   So in your model, I am consistently

16 overassigned the number of work hours in your model

17 than what I actually worked in that scenario.

18 Right?

19   A.   Yes.

20   Q.   It doesn't balance out. Because I am

21 not, for example, varying above and below; I am

22 consistently on one side of --

23   A.   That's right.

24   Q.   And the same would be true, excuse me,

25 of the converse.

1   C. O'Neil

2   allocated damages in your model wouldn't be

3   accurate because they don't meet the average?

4   A.   It's also possible that he was slower

5   for certain things, but faster for other things. I

6   don't know that either.

7   But yes, you are right. That would be a

8   drag on him.

9   Q.   Right. And because you are not --

10   because you are applying the average, you are

11   essentially combining the population that we have

12   talked about, the sample data that you would like;

13   200 people into one, you know, composite

14   investigator. Is that right?

15   A.   That's exactly right.

16   Q.   And you use that composite investigator

17   to the data for the actual investigators, and you

18   basically are assigning, based on the work that

19   they completed, how much time the average

20   investigator would have taken to do this work?

21   A.   That's right.

22   So here is another -- sorry to interrupt

23   you, but there is another scenario. Which is that

24   somebody takes two weeks of holiday in one month.

25   So they get half the normal amount of work, but

1   C. O'Neil

2   coefficient for the EUO-type of activity that would

3   be like, This takes four hours. It's a heavy lift.

4   And that -- that's great. Because that

5   would mean that going back and through the other

6   people for the other weeks, every time somebody got

7   a EUO, they would be rewarded with a four-hour

8   imputed time.

9   Q.   So -- okay. So do you have, I guess,

10   any understanding of how many cases did or did not

11   require EUOs that, for example, a field

12   investigator would have?

13   A.   No.

14   Q.   Do you have an understanding of the

15   changes in the EUO process over time?

16   A.   No.

17   Q.   Do you have an understanding of how

18   technologically the process by which EUOs were

19   conducted changed?

20   A.   This might refer to the fact that during

21   COVID some things were done over Zoom.

22   So, yes. So one of the things that

23   occurs -- occurs to me, and one of the plans I had

24   for this model, is that -- that there are certain

25   things that might have been special in a special

1   C. O'Neil

2   situation like COVID.

3   So if -- during that era, we could hand

4   tune the coefficient. If it didn't take four hours

5   on average because they didn't have to drive to see

6   a person, like, you could just move it down.

7   And we would have to use testimony for

8   that purpose, to hand tune it from four hours to

9   two hours, or whatever it is. I am just saying

10   numbers. But it would require an actual

11   investigation.

12   But that's one of the benefits of having

13   that model that separates things out by -- by

14   activity type.

15   And also, that's the kind of thing --

16   remember when we were talking about how the

17   different models would give us slightly different

18   answers? That's an explanation for why different

19   models would give us different answers. Because

20   one of them will be sensitive to this, and one of

21   them won't.

22   So we will be like, Oh, wait. Is this

23   during COVID? It is. Okay. So let's believe this

24   one in this time period.

25   So we want to be as accurate as

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1                     C. O'Neil
2  possible.  And different -- the fact that we have
3  four different ways of looking at it means we could
4  be more accurate.
5       Q.    I want to follow up.  And I recognize
6  you wouldn't know what an exact amount might look
7  like --
8       A.    Yes.
9       Q.    -- but you talked about hand tuning that
10 time period based on testimony.
11      A.    Yes.
12      Q.    Explain to me what you mean by using
13 testimony to hand tune?
14      A.    I would try to figure out the delta
15 between how much time does it take to do an EUO
16 when you drive there, and how much time does it
17 take to do an EUO when you do it on Zoom.
18      Q.    When you say using testimony, are you
19 proposing that you would just ask plaintiffs?
20      A.    Yes.
21      Q.    How much time did it used to take you,
22 and how much time it would take you after that
23 change?
24      A.    Well, I wouldn't ask; the lawyers would.
25      Q.    Fair enough.
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1   C. O'Neil

2   in terms of the transcript turnaround time, so

3   I think they placed an order with you.

4   THE VIDEOGRAPHER: The time is 3:44 p.m.

5   We are off the record.

6   (Time noted: 3:44 p.m.)

7   _____.

8   CATHERINE O'NEIL

9

10   Subscribed and sworn to before me

11   this ___ day of _____, 2025.

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 1                    C. O'Neil

 2              C E R T I F I C A T E

 3   STATE OF NEW YORK      )

 4                          : ss.

 5   COUNTY OF QUEENS       )

 6

 7          I, YAFFA KAPLAN, a Notary Public

 8      within and for the State of New York, do

 9      hereby certify:

10          That CATHERINE O'NEIL, the witness

11      whose deposition is hereinbefore set forth,

12      was duly sworn by me and that such

13      deposition is a true record of the

14      testimony given by the witness.

15          I further certify that I am not

16      related to any of the parties to this

17      action by blood or marriage, and that I am

18      in no way interested in the outcome of this

19      matter.

20          IN WITNESS WHEREOF, I have hereunto

21      set my hand this 28th day of April, 2025.

22

23                   _____

24                   YAFFA KAPLAN

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